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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,053	12/21/2001	Ernst Schneider	2345/164	4676

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EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/937,053

Applicant(s)

SCHNEIDER ET AL.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1</u> . | 6) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Chin et al (5,729,588 hereinafter Chin).

Regarding claim 1. Chin teaches a system for validating connection-related communications data collected by a digital switching exchange (see Title, abstract), comprising:

at least one test unit (see figure 1 wherein test unit 50), which can be linked to the digital switch (see 30 figure 1),

having a first memory unit for storing dedicated communications elements (col. 2 lines 25-52, col. 3 line 8 – col. 4 line 28, col. 6 line 5 – col. 7 line 62)

a device for initiating the establishment of at least one dedicated test-communications connection (see figure 1 wherein test unit 50 has a device 20 that produces a test signal),

a device for producing a connection-related reference data record from the corresponding communications elements, from the starting and ending instants of the test communications connection (see figures 2a-2b and figures 3a-3b regarding

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automated message accounting features data, abstract, col. 1 lines 25-52, col. 4 lines 29-34),

a device for transmitting the connection-related communications elements to the digital switching exchange (col. 4 lines 29-34),

the digital switching exchange (see 30 figure 1), which functions in response to the received, connection-related communications elements to establish the relevant test communications connection,

including a device for generating at least one connection-related communications data record (see figure 1 wherein a device 40 responds to test signal);

a system evaluator (see 60 figure 1) assigned to the test unit (see test unit 50 figure 1) and to the digital switching exchange,

including a device for comparing the contents of the connection-related reference data record to the contents of each connection-related communications data record belonging thereto (col. 2 lines 44-46, col. 3 lines 25-28, col. 4 lines 2-8 and lines 40-56, col. 6 line 5 – col. 9 line 46).

Regarding claims 2-7. Chin teaches wherein the system evaluator (see 60 figure 1), in addition, includes the following features:

A first device (see figure 1 wherein controller 70 used for converting into predefined format and col. 2 lines 44-46, col. 3 lines 1-67, col. 4 line 2 – col. 9 line 46) for converting the format of the reference data record into a predefined format and a

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second device (see figure 1 wherein the digital switch 30 responds to test call by converting into predefined format via 40 and col. 2 lines 44-46, col. 3 lines 1-67, col. 4 line 2 – col. 9 line 46) for converting the format of each communication data record into the predefined format.

Regarding claim 8. Chin show the evaluator (see 60 figure 1) interfaced to the digital switch (30 figure 1), interfaced to test unit (50 figure 1), a device for comparing (see comparison device 60 figure 1) the contents of the connection-related reference data record generated by the test unit (50 figure 1) to the contents of at least one connection-related communications data record generated by the digital switch (30 figure 1).

Regarding claims 9-13. Chin teaches wherein the system evaluator (see 60 figure 1), in addition, includes the following features:

A first device (see figure 1 wherein controller 70 used for converting into predefined format and col. 2 lines 44-46, col. 3 lines 1-67, col. 4 line 2 – col. 9 line 46) for converting the format of the reference data record into a predefined format and a second device (see figure 1 wherein the digital switch 30 responds to test call by converting into predefined format via 40 and col. 2 lines 44-46, col. 3 lines 1-67, col. 4 line 2 – col. 9 line 46) for converting the format of each communication data record into the predefined format.

Method claims 14-16 are rejected for the same reasons as apparatus claims 1-3 since the recited apparatus would perform the claimed steps.

Regarding claim 17. Chin teaches indicating faulty data (col. 7 lines 50-57 and col. 8 lines 16-57).

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

---(5,539,802) De Caluwe et al discloses a system for testing the billing function in a telecommunication system (i.e. "itemized billing") using start code signal (columns 1-2 and the most important instructions listed on column 4).

---(5,579,476) Cheng et al discloses an automated test environment that "catches" data outputted from communication protocol software implemented in the upper and lower communications protocol software (i.e. automatic interpretive test system with a single tester, i.e. the lower and upper tester are combined into a single tester). In other words using communications protocol software implementation under test (a.k.a. "IUT") is tested by emulating the data and control message inputs which may be received from higher and lower communications protocol software and if in response to these inputs, the IUT outputs the correct data and control messages (i.e. as per the protocol of the higher or lower layer), the IUT passes the test.

---(5,740,355) Watanabe et al teaches transaction tracing apparatus and also cites Cheng (see Cheng listed directly above) wherein "multiple" pairs of send

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information and returning information can be set from a singular sequence information.

Thus, "conversion" between pluralities of systems can be extracted with a single sequence filter.

---(5,835,566) Cowgill teaches system and method for testing component (i.e. "UUT") having a programmable switch connected to the UUT through telecommunications network via an in-band and out-of-band signaling path providing for a system adaptable to allow for any variations in the operation and protocols that may arise.

---(6,526,124) Swahn et al teaches method for testing an object in a telecommunications system and cites Cowgill (see Cowgill listed directly above) wherein a telecommunications system having incoming side and outgoing side is tested. Swahn also uses common terms such as "IUT" and SUT (i.e. System Under Test) wherein SUT is provided on the interface between two network providers as well as other common terms such as PCOs (i.e. Points of Control and Observation) that are required for testing. In other words, Points of Control and Observation are commonly used for linking the system under test to signaling points.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600